

DISPOSITION: On December 18, 1946, the Gold Medal Distributing Co., North Kansas City, Mo., having appeared as claimant for the 126 cases at North Kansas City, judgment was entered ordering that the product be released to the claimant, conditioned that a portion be delivered to a charitable institution and that the remainder be delivered to the police and fire departments.

On October 31, 1946, the Indianapolis Brewing Co., claimant for the remaining lots, having admitted the allegations in the libels, judgments of condemnation were entered and the product was ordered released under bond, conditioned that it be relabeled. On March 17, 1947, the claimant having been unable to comply with the terms of the decrees, amended orders were entered providing for the destruction of the beer and the salvaging of the containers.

11302. Misbranding of beer. U. S. v. 285 Cases * * *. (F. D. C. No. 21128. Sample No. 52753-H.)

LIBEL FILED: October 2, 1946, Northern District of Ohio.

ALLEGED SHIPMENT: On or about August 1, 1946, by the Denmark Brewing Co., from Denmark, Wis.

PRODUCT: 285 cases, each containing 24 bottles, of beer at Port Clinton, Ohio. Examination showed that the product was short-volume.

LABEL, IN PART: "Contents 12 Fluid Oz. 20th Century. Pale Beer."

NATURE OF CHARGE: Misbranding, Section 403 (e) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents.

DISPOSITION: October 31, 1946. The Denmark Brewing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

11303. Adulteration and misbranding of grape beverage base. U. S. v. 48 Cases * * *. (F. D. C. No. 20580. Sample No. 8496-H.)

LIBEL FILED: On or about August 12, 1946, District of Connecticut.

ALLEGED SHIPMENT: On or about May 10, 1946, by Katy's Kitchen, from Chicago, Ill.

PRODUCT: 48 cases, each containing 24 jars, of Old Mother Hubbard Sweetened Grape Beverage Base at Hartford, Conn. Analysis showed that the product was an artificially flavored and colored mixture of water, sugar, and acids, containing little or no grape juice.

LABEL, IN PART: "Old Mother Hubbard Sweetened Grape Beverage Base Fortified with Artificial Grape Flavor Contains Sugar Syrup, Grape Juice, Artificial Grape Flavor, Phosphoric Acid, Vegetable Gum, Certified Color, and $\frac{1}{10}$ of 1% Benzoate of Soda."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), a valuable constituent, grape juice, had been in whole or in part omitted from the article.

Misbranding, Section 403 (a), the designation "Sweetened Grape Beverage Base" was false and misleading as applied to an article containing little or no grape juice; and, Section 403 (c), the article was an imitation of another food, i. e., sweetened grape beverage base, and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated.

DISPOSITION: September 20, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

11304. Adulteration and misbranding of grape juice punch. U. S. v. 46 Cases, etc. (and 1 other seizure action). (F. D. C. Nos. 20523, 20524. Sample Nos. 57197-H to 57199-H, incl.)

LIBELS FILED: July 13, 1946, District of New Hampshire.

ALLEGED SHIPMENT: On or about June 18, 1946, by the Fuller Co., from Watertown, Mass.

PRODUCT: 62 cases, each containing 24 1-pint bottles, and 70 cases, each containing 4 1-gallon bottles, of grape juice punch at Manchester, N. H. Analysis

showed that the article was an artificially flavored and colored mixture of water and sugar or sugars, containing added acid or acids. It contained no grape juice, grape juice concentrate, orange, or raspberry.

LABEL, IN PART: "Concord Grape Juice Punch Contains Water, Sugar, Grape Juice Concentrate, Orange, Raspberry, Tartaric Acid, Artificial Color $\frac{1}{10}$ of 1% Benzoate of Soda D. A. Perkins, Inc. Cambridge, Mass."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1), valuable constituents, grape juice, grape juice concentrate, orange, and raspberry had been in whole or in part omitted from the article; and, Section 402 (b) (4), artificial flavoring and artificial coloring had been added to the article and mixed and packed with it so as to make it appear better and of greater value than it was.

Misbranding, Section 403 (a), the label statements "Grape Juice Punch * * * Grape Juice Concentrate, Orange, Raspberry * * * use to make * * * jellies" were false and misleading as applied to an article containing no grape juice, grape juice concentrate, orange, or raspberry; and Section 403 (k), the article contained artificial flavoring and failed to bear labeling stating that fact.

DISPOSITION: October 15, 1946. No claimant having appeared, judgments of condemnation were entered and the product was ordered delivered to a public institution.

11305. Misbranding of canned grapefruit juice, U. S. v. 96 Cases * * * (F. D. C. No. 19812. Sample No. 50960-H.)

LABEL FILED: May 2, 1946, District of Minnesota.

ALLEGED SHIPMENT: On or about February 6, 1946, by the E. S. Smith Co., Inc., from Wauchula, Fla.

PRODUCT: 96 cases, each containing 24 18-ounce cans, of grapefruit juice at Duluth, Minn.

LABEL, IN PART: "Vita-Nip Brand Unsweetened Grapefruit Juice * * * Distributed by Florida Fruit Canners * * * Frost Proof Fla., U. S. Grade A (Fancy) Packed Under Continuous Inspection of the U. S. Dept. of Agriculture."

NATURE OF CHARGE: Misbranding, Section 403 (a), the design of two shields on the label and the statements "U. S." and "Packed Under Continuous Inspection of the U. S. Dept. of Agriculture" were misleading as applied to the article, which was not packed under the continuous inspection of the United States Department of Agriculture.

DISPOSITION: September 5, 1946. The shipper, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Federal Security Agency.

11306. Adulteration of canned orange juice. U. S. v. 398 Cases * * *. (F. D. C. No. 20052. Sample No. 60387-H.)

LABEL FILED: June 5, 1946, Western District of New York.

ALLEGED SHIPMENT: On or about April 20, 1946, by the E. S. Smith Co., Inc., from Fort Myers, Fla.

PRODUCT: 398 cases, each containing 12 1-quart, 14-fluid-ounce cans, of orange juice at Buffalo, N. Y.

LABEL, IN PART: "Russell's Tree Ripe Orange Juice * * * Packed By Russell & Decker Co. Main Office. Lakeland, Florida."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of maggots, fruit fly eggs, insect fragments, and mold; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: July 1, 1946. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

11307. Adulteration of orange drink and ginger ale. U. S. v. Sam Drossner (Holly Beverages). Plea of guilty. Defendant fined \$250 and placed on probation for 1 year. (F. D. C. No. 20173. Sample Nos. 4756-H, 4762-H.)

INFORMATION FILED: November 27, 1946, District of New Jersey, against Sam Drossner, trading as Holly Beverages, Mount Holly, N. J.